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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In re )  
)  
Amendment of § 73.202(b), ) MM Docket No. 98-\*\*\*  
Table of Allotments, ) RM-\*\*\*\*  
FM Broadcast Stations )  
(Reno, Texas) )

To: The Chief, Allocations Branch,  
Mass Media Bureau

**PETITION FOR RULE MAKING**

Thomas S. Desmond, by counsel, hereby petitions the Commission to commence a rule making seeking the allotment of Channel 255A to the community of Reno, Texas. As this Petition will show, allotting Channel 255A to Reno comports with the Commission's mandate under § 307(b) of the Communications Act to fairly apportion radio service among the several States and communities.

1. Reno, although incorporated, currently lacks a local service. According to the 1990 Census, Reno has a population of 1,784. In addition to its status as an incorporated community, Reno has a number of other demographic attributes making it worthy of local service. The Reno City Government has a Mayor and a City Council. Reno also has a volunteer fire department, and its own Post Office and Zip Code, 75460. There are also more than 35 independent businesses within Reno. The town is outside any Urbanized Area. See Exhibit A hereto, the Engineering Statement of Stephan M. Kramer, P.E.

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2. Reno clearly satisfies the demographic criteria for licensable communities.

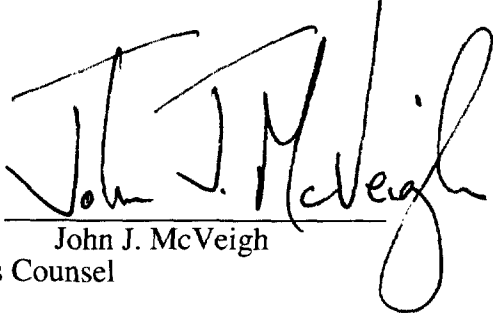
Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982). Exhibit A hereto shows that the Commission may allot Channel 255A to Reno in conformity with spacing and city-grade-service rules. Spacing constraints require the imposition of a 12.7-km site restriction to the west to ensure transmitter sites for Channel 255A at Reno that comport with the requirements of both §§ 73.207 and 73.315 of the Rules. That still places Reno well within the city-grade radius of a maximum-parameter Class A facility operating at the reference point.

3. Mr. Desmond hereby states his intent to apply for Channel 255A to Reno upon the Commission's allotment of the frequency to that community. Mr. Desmond further states his intent to expeditiously construct the facility his application will specify, upon grant of that application, to then begin providing local service to the community, and to seek a license to cover his authorized facility.

4. For the above reasons, Mr. Desmond requests the allotment of Channel 255A to the community of Reno, Texas.

**THOMAS S. DESMOND**

By

  
John J. McVeigh  
His Counsel

JOHN J. McVEIGH, ATTORNEY AT LAW  
12101 Blue Paper Trail  
Columbia, Maryland 21044-2787  
(301) 596-1655  
Date: April 2, 1998

**EXHIBIT A**

ORIGINAL  
SIGNATURE

- 1 -

ENGINEERING STATEMENT

This Engineering Statement was prepared on behalf of Thomas S. Desmond in support of a new Rulemaking Petition to amend the FM Table of Allotments (Section 73.202.) Specifically, Mr. Desmond seeks to have Channel 255A assigned to the community of Reno, Texas as follows:

<u>City, State</u>	<u>Channel</u>
	<u>Present</u> <u>Proposed</u>
Reno, Texas	-                                      255A*

\*Site restriction 12.7 kilometers west required.

With a grant of the Petition which this statement supports, Mr. Desmond would have the Commission serve the public interest, convenience, and necessity by amending Section 73.202(b), thus providing the community of Reno with its first local service. Granting this proposal will result in a more efficient use of FM spectrum and permit Petitioner to provide a first local service to Reno.

-2-

I. DEMOGRAPHIC DATA

The community of Reno, Texas is an incorporated city within Lamar County, approximately 134 kilometers west from Texarkana. The 1990 Census lists the Reno population at 1,784 persons, and the total Lamar County population at 43,949 persons. The city has identifiable boundaries as required in the Revision of FM Assignment Policies and Priorities, 51 R.R. 2d 807, 816 (1982).

The city of Reno is served by a Mayor, City Council, and volunteer fire department. In addition, there are over 35 independent businesses within Reno, and the community is located outside of any urbanized area.

II. PETITIONER WILL APPLY FOR THE REQUESTED FACILITY

Thomas S. Desmond will file an application for Channel 255A at Reno and promptly begin construction upon issuance of a construction permit if the instant petition is granted. See FM Channel Assignments, 53 R.R. 2d, 341, 344.

- 3 -

III. ENGINEERING DATA

The requested coordinates for the proposed Channel 255A allocation at Reno, Texas are:

N.L. 33-40-12

W.L. 95-36-08

This location is 12.7 kilometers west from the reference coordinates for Reno (N.L. 33-39-52, W.L. 95-27-55.) This site restriction is necessary to provide minimum required spacing toward station KGAP (FM), Channel 253C2, Clarksville, Texas. Table 1.0 presents the allocation study results from the above requested coordinates.

Wherefore, the premises considered, it is respectfully requested the Commission institute a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) by the addition of Channel 255A to Reno, Texas.

**STEPHAN M. KRAMER, P.E. AND ASSOCIATES**  
**BROADCAST AND FAA CONSULTING ENGINEERS**  
10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75035-6626 (972) 529-5123

- 4 -

TABLE 1.0  
FM ALLOCATION ANALYSIS  
PROPOSED CHANNEL 255A ALLOTMENT  
=====

THOMAS S. DESMOND  
NEW 98.9 MHZ RENO, TEXAS

FM Study for: NEW TOMD		FCC Database				33-40-12		
Location: RENO, TX		Channel Class: A				95-36-08		
Call	City, State	Chan	Class	Freq	kW	Latitude	Dist.	Required
Status	Proponent	File Number	HAAT	Longitude	Azm.	Clear (km)		
-----								
>>>>>>> Study For Channel 255 98.9 mHz <<<<<<<<								
KGAP	CLARKSVILLE, TX	253 C2	98.5	50.	33-36-47	54.61	55	73.215
LIC	BASSO BROADCASTING, I	BLH-960111KM	94	95-01-03	96.5	-0.39	CLOSE	
KTUX	CARTHAGE, TX	255 C1	98.9	100.	32-23-19	205.1	200	
LIC	KTUX, INC.	BLH-850412KC	219	94-01-10	133.4	+5.1	CLOSE	
KLUVFM	DALLAS, TX	254 C	98.7	98.	32-35-22	175.0	165	
LIC	INFINITY BROADCASTING	BLH-801001AG	483	96-58-10	227.2	+10.0	CLOSE	
KMAG	FORT SMITH, AR	256 C	99.1	94.	35-04-26	177.3	165	
LIC	FORT SMITH FM, INC.	BLH-900430KB	600	94-40-48	28.3	+12.3	CLOSE	
KFYZFM	BONHAM, TX	252 C3	98.3	25.	33-33-16	59.0	42	
LIC	BONHAM BROADCASTING C	BLH-960502KD	83	96-13-24	257.6	+17.0	CLEAR	
From channel 252A Per D89-209								
KHCK	DENTON, TX	256 C	99.1	97.	33-23-22	184.9	165	
LIC	KDZR-FM LICENSE CORP.	BLH-880926KC	356	97-33-53	260.9	+19.9	CLEAR	
KFYZFM	BONHAM, TX	252 C3	98.3	5.5	33-37-30	68.1	42	73.215
APP	BONHAM BROADCASTING C	BPH-971002IC	209	96-20-03	266.0	+26.1	CLEAR	
From channel 252A Per D89-209								

- 5 -

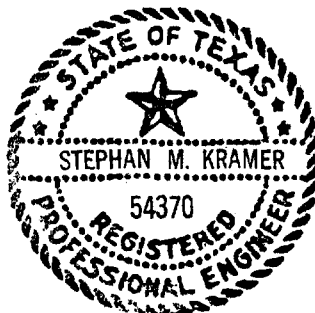
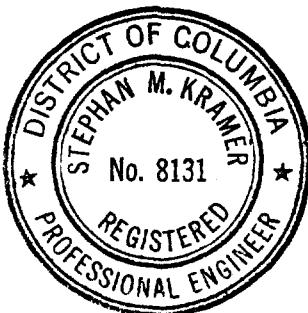
ENGINEERING AFFIDAVIT

State of Texas       )  
                              )       ss:  
County of Collin    )

Stephan M. Kramer, being duly sworn, deposes and states that he is a Registered Professional Engineer licensed in Texas and the District of Columbia, that he holds a B.S. Degree in Electrical Engineering from the University of Akron, and that he is a qualified and experienced Communications Consulting Engineer whose expert testimony and works are a matter of record with the Federal Communications Commission having received numerous application grants. He further states Mr. Thomas S. Desmond retained the firm of Stephan M. Kramer, P.E. and Associates to prepare the attached Engineering Statement.

The deponent further indicates the Statement was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

This declaration is made under penalty of perjury under the laws of the United States.



Stephan M. Kramer, P.E. 03-06-98  
Stephan M. Kramer, P.E.  
Texas P.E. # 54370  
District of Columbia P.E. # 8131